

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JERRY G. NORDBY,

Plaintiff,

v.

UNUM PROVIDENT INSURANCE CO.,

Defendant.

NO. CV-06-0117-EFS

**ORDER GRANTING PLAINTIFF'S  
MOTION TO TERMINATE LAWSUIT,  
ENTER JUDGMENT, AND CLOSE FILE**

Before the Court, without oral argument, is Plaintiff's Motion to Terminate Lawsuit. (Ct. Rec. [36](#).) On February 20, 2009, the Court entered an Order Granting and Denying in Part Defendant's Motion for Summary Judgment, ruling that Unum may offset Plaintiff's long-term disability benefits payment consistent with the Plan, Unum need not pay Plaintiff future disability benefit payments in advance, and Plaintiff's non-benefits damages are limited to litigation costs. Plaintiff was directed to file a notice no later than March 9, 2009, identifying his litigation expenses recoverable under 29 U.S.C. § 1132(g)(1), if he wished to recover such. In lieu of a notice, Plaintiff filed the instant motion on March 9, 2009, withdrawing his claim for litigation costs and requesting dismissal of the action. The Court finds good cause to grant Plaintiff's request.

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1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Plaintiff's Motion to Terminate Lawsuit (Ct. Rec. 36) is  
3 **GRANTED.**

4 2. **Judgment** is to be entered in Defendant's favor with prejudice.  
5 No fees and costs are to be awarded.

6 3. This file shall be **CLOSED.**

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
8 this Order and provide a copy to Plaintiff and counsel.

9 **DATED** this 13<sup>th</sup> day of March 2009.

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11 S/ Edward F. Shea  
12 EDWARD F. SHEA  
United States District Judge

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